


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q78532	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/718,643	November 24, 2003	
	First Named Inventor		
	Hiroaki YASUDA		
	Art Unit	Examiner	
	2884	Constantine HANNAHER	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number 59,153</p>			
		 <hr/> <p style="text-align: center;">Signature</p>	
		<hr/> <p style="text-align: center;">Francis G. Plati, Sr. Typed or printed name</p>	
		<hr/> <p style="text-align: center;">(202) 293-7060 Telephone number</p>	
		<hr/> <p style="text-align: center;">April 18, 2008 Date</p>	

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q78532

Hiroaki YASUDA

Appln. No.: 10/718,643

Group Art Unit: 2884

Confirmation No.: 1194

Examiner: Constantine HANNAHER

Filed: November 24, 2003

For: RADIATION IMAGE READ-OUT APARATUS AND RADIATION IMAGE
CONVERTOR PANEL

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated November 19, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 9-20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. Pub. No. 2003/0042445 to Mitchell *et al.* ("Mitchell") in view of one of U.S. Pat. No. 6,583,434 to Struye *et al.* ("Struye") and U.S. Pat. No. 5,905,014 to Van de Bergh ("Van de Bergh").

As an initial matter, Applicant disagrees with the Examiner's characterization of Applicant's arguments in the Response filed March 7, 2008 as treating one of ordinary skill in the art as an automaton. As disclosed in the prior art, the preferred glass filters with multilayer

coatings should provide transmission of at least 80% at the emission wavelength. Hence, it appears implausible that combining multiple preferred filters as disclosed by the prior art should provide the same degree of transmission, as apparently asserted by the Examiner. However, Applicant further notes that the Examiner's statement does not provide the required reasoned statement supporting the rejection and rebutting Applicant's argument.

Addressing independent **claim 9**, it would not be obvious to one of ordinary skill in the art to join absorption filters resulting in the filter characteristics in the wavelength ranges as specified in the claim. The Examiner alleges that joining two absorption filters rather than using one filter is a mere substitution of one equivalent for another for which an express suggestion is not required.

Applicant respectfully submits that specification of the claimed filter ranges for each of the filters to be joined to achieve the purpose of the invention requires more than ordinary skill in the art. Therefore, joining more than one absorption filter to provide the filter characteristics in wavelength ranges as required by the claim would not have been obvious to one of ordinary skill in the art at the time the invention was made. Accordingly, Applicant submits that this rejection is in error and should be withdrawn.

With respect to dependent **claims 10-15 and 18**, Applicant submits that the references do not support a combination of absorption filters with reflective layers as claimed. Mitchell merely discloses the use of glass filters with multilayer coatings. However, neither Mitchell nor any of the other cited references disclose or suggest the use of *reflective* layers in combination with absorption filters.

The Examiner alleges that a choice of filter types is merely a design choice within the ability of one of ordinary skill in the art. Assuming *arguendo* that selection of filter types is a design choice, Applicant respectfully submits that specification of the ranges required to be filtered by the combined filters is not merely design choice. For example, claim 11 recites a second reflection layer that is substantially non-transparent for light in a fifth wavelength range, which is located at longer wavelengths than the second wavelength range and which partially overlaps with the third wavelength range. Thus, specification of the filtered wavelength ranges, and the relationships of the wavelength ranges with each other in combination with the filter types is not mere design choice.

Accordingly, based on the cited references, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the absorption filters with reflective layers resulting in the claimed filter characteristics over the claimed wavelength ranges. Applicant respectfully submits that this rejection is in error and should be withdrawn.

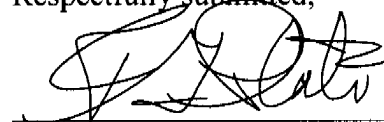
Turning to **claims 16, 17, 19 and 20**, Mitchell discloses that preferred glass filters with multilayer coatings should provide transmission of at least 80% at the emission wavelength (paragraph [0062]). Thus, combining two of Mitchell's preferred filters results in transmission of only about 64% at the emission wavelength, which does not render the device substantially transparent in a wavelength range of the emission light, as claimed. Therefore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made based on the disclosure of Mitchell to combine the absorption filters as claimed by Applicant.

Further, Applicant submits that the references do not support a combination of absorption filters with reflective layers as claimed. Mitchell merely discloses the use of glass filters with multilayer coatings. However, neither Mitchell nor any of the other cited references disclose or suggest the use of *reflective* layers in combination with absorption filters to provide the claimed filtering characteristics in the claimed wavelength ranges. Accordingly, based on the cited references, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the absorption filters with reflective layers resulting in the claimed filter characteristics.

Additionally, due to attenuation of transmission by a serial arrangement of filters, and the low sensitivity of detection, one would not further attenuate the stimulated light emissions in Mitchell by aggregating filters. Accordingly, this rejection is in error and should be withdrawn.

Applicant respectfully requests that the rejection of claims 9-20 be withdrawn and the application past issue with yearly is possible time.

Respectfully submitted,



Francis G. Plati, Sr.
Registration No. 59,153

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 18, 2008